

Ser. No. 10/823,228  
Examiner Samuel A. Waldbaum

### REMARKS

The non-final Office Action mailed on March 26, 2008 has been reviewed and the Examiner's comments have been carefully considered. Claims 1 through 42 were originally filed. Claims 1-28 were previously canceled and claims 31 and 35 were previously withdrawn from consideration as non-elected species. Claims 28-30, 32-34 and 36-42 stand rejected.

Applicants hereby amend independent claims 28, 41 and 42 and dependent claim 33. New dependent claims 43-64 are added. Claims 28-30, 32-34 and 36-64 are now in the case.

Support for claimed features recited in the amended claims and the new claims can be found in the following paragraphs of US Pub. 2005/0224099 as follows: oxidation reduction potential [0048]; lockout mechanism [0051]; chemical concentration sensor [0051]; fluid conditioning device [0049]; pump [0047]; storage space [0050]; centrifugal switch [0039].

#### Rejections of claims Under 35 U.S.C. § 102(b)

Claims 41-42 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hamand (U.S. Pub. 2002/0166177).

Applicants submit that the rejections under 35 U.S.C. 102(b) are moot in view of the claim amendments. Accordingly, Applicants respectfully request withdrawal of the rejection of claims under U.S.C. 102(b) as being unpatentable over Hamand, and that claims 41 and 42 are found in condition for allowance.

#### Rejection of claims Under 35 U.S.C. § 103

Claims 28-30, 32-34, 36-37 and 39-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hamand (U.S. Pub. 2002/0166177) in view of Pastryk et al. (U.S. 5,345,637).

Claim 38 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hamand in view of Pastryk et al. as applied to claim 36 above, and further in view of Scheper et al. (U.S. Pub. 2003/0216271) and De Souza (U.S. Pub. 2002/0189975).

Applicants submit that the rejections under 35 U.S.C. 103 are moot in view of the claim amendments. Accordingly, Applicants respectfully request withdrawal of the rejection of claims

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under U.S.C. 103 as being unpatentable over the cited references and that claims 28-30, 32-34, 36-37 and 39-40 are now found in condition for allowance.

### CONCLUSION

In summary, Applicants believes that this Amendment is fully responsive to the Final Office Action mailed on March 26, 2008 and that Applicants' claims include features which patentably define over the cited references. It is respectfully requested that for the foregoing reasons claims 28-30, 32-34 and 36-64 and withdrawn 31 and 34 of this application be found in condition for allowance.

If the Examiner believes there are any further matters that need to be discussed, the Examiner is invited to contact the undersigned.

If there are any other fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 02-2051, referencing our Docket No. US20030472 (31480.17).

Respectfully submitted,

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June 26, 2008

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